

OHIO

SENATE

JOURNAL

TUESDAY, FEBRUARY 26, 2019

NINETEENTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, February 26, 2019, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brad Jury, Providence Baptist Church in Westerville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

Senator Wilson recognized Melissa Sandt and Libby Hilderbrandt.

Senator Fedor recognized Cathy Haltan.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Obhof reports for the Standing Committee on Rules and Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 54 -Senators Eklund, Williams, et al.

To amend sections 2929.02, 2929.022, 2929.024, 2929.03, 2929.04, 2929.06, 2953.21, and 2953.23 and to enact section 2929.025 of the Revised Code to prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.

To the Committee on Judiciary.

S. B. No. 55 -Senator Gavarone

To amend sections 2925.01 and 2925.03 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to name the act's provisions the "Relapse Reduction Act."

To the Committee on Judiciary.

S. B. No. 56 -Senator Maharath

To enact sections 103.85, 103.86, 103.87, and 103.88 of the Revised Code to create a long-term care inspection committee.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 57 -Senators Hill, Huffman, S., et al.

To amend sections 3719.01 and 3719.41, to enact sections 928.01, 928.02, 928.03, 928.04, 928.05, 928.06, and 928.99 of the Revised Code, and to amend the versions of sections 3719.01 and 3719.41 of the Revised Code that are scheduled to take effect on March 22, 2020, to decriminalize hemp and hemp products and to establish a hemp cultivation licensing program.

To the Committee on Agriculture and Natural Resources.

S. B. No. 58 -Senator Gavarone

To express the intent of the General Assembly to reform the process of restoring the competency of individuals with serious mental illness charged with nonviolent crimes and to provide alternatives for treatment.

To the Committee on Judiciary.

S. B. No. 59 -Senator Antonio, et al.

To amend section 4729.44 of the Revised Code to require the State Board of Pharmacy to educate license holders about the law authorizing naloxone dispensing without a prescription.

To the Committee on Health, Human Services and Medicaid.

YES - 14: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, SEAN J. O'BRIEN, LARRY OBHOF, BOB PETERSON, CECIL THOMAS, SANDRA R. WILLIAMS, STEVE WILSON, KENNY YUKO

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Burke submitted the following report:

The standing committee on Health, Human Services and Medicaid, to which was referred **S. B. No. 6**-Senators Coley, Hottinger, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Schuring.

YES - 11: KIRK SCHURING, JAY HOTTINGER, PEGGY LEHNER, DAVE BURKE, STEPHEN A. HUFFMAN, NICKIE J. ANTONIO, TINA MAHARATH, CECIL THOMAS, KRISTINA D. ROEGNER, STEPHANIE KUNZE, THERESA GAVARONE

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **S. B. No. 30**-Senators Kunze, Williams, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 2 of the title, delete "and to declare an emergency"

Delete lines 63 through 68

Co-Sponsors: Coley, Hoagland, Uecker.

YES - 11: WILLIAM P. COLEY, II, FRANK HOAGLAND, JOE UECKER, THERESA GAVARONE, MATT HUFFMAN, KRISTINA D. ROEGNER, BOB PETERSON, HEARCEL F. CRAIG, CECIL THOMAS, TERESA FEDOR, ROB MCCOLLEY

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **S. B. No. 53**-Senator Roegner, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hoagland, Coley.

YES - 8: FRANK HOAGLAND, JOE UECKER, THERESA GAVARONE, WILLIAM P. COLEY, II, MATT HUFFMAN, KRISTINA D. ROEGNER, BOB PETERSON, ROB MCCOLLEY

NO - 3: HEARCEL F. CRAIG, CECIL THOMAS, TERESA FEDOR

The question being, "Shall the reports of the committees be accepted?"
The reports of the committees were accepted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 6-Senators Coley, Hottinger

Cosponsors: Senators Hoagland, Schuring

To amend sections 109.572, 2151.421, and 5103.02 and to enact sections 2151.90, 2151.901, 2151.902, 2151.903, 2151.904, 2151.906, 2151.907, 2151.908, 2151.909, and 2151.9010 of the Revised Code and to amend section 109.572 of the Revised Code, effective September 20, 2019, to regulate temporary child hosting with host families, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 6**, pass?"

Senator Coley moved to amend as follows:

In line 1285, after "family" insert "agreement"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Am. Sub. S. B. No. 6**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hill	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Sykes	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coley moved to amend the title as follows:

Add the names: "Senators Antonio, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hill, Huffman, M., Huffman, S., Kunze, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Sykes, Terhar, Thomas, Uecker, Williams, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Am. S. B. No. 30-Senators Kunze, Williams

Cosponsors: Senators Brenner, Antonio, Sykes, Thomas, Craig, Hackett, Fedor, Maharath, O'Brien, Yuko, Lehner, Roegner, Gavarone, Obhof, Rulli, Coley, Hoagland, Uecker

To create the Women's Suffrage Centennial Commission, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 30**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hill	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Sykes	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Kunze moved to amend the title as follows:

Add the names: "Senators Burke, Dolan, Eklund, Hill, Hottinger, Huffman, M., Huffman, S., Manning, McColley, Peterson, Schuring, Terhar, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

S. B. No. 53-Senator Roegner

Cosponsors: Senators Obhof, Uecker, Hottinger, Hoagland, Coley

To amend section 2923.11 of the Revised Code to clarify that certain firearms are not "dangerous ordnance" and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
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Eklund	Gavarone	Hill	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Lehner	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Terhar	Uecker	Wilson	Obhof-24

Senators Antonio, Craig, Fedor, Maharath, Sykes, Thomas, Williams, and Yuko voted in the negative-8.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Gavarone	Hill	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Lehner	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Terhar	Uecker	Wilson	Obhof-24

Senators Antonio, Craig, Fedor, Maharath, Sykes, Thomas, Williams, and Yuko voted in the negative-8.

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator Roegner moved to amend the title as follows:

Add the names: "Senators Brenner, Burke, Eklund, Gavarone, Hill, Huffman, M., Huffman, S., McColley, Peterson, Rulli, Schuring, Terhar, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, February 24, 2019, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 60 - Senator Burke.

Cosponsor: Senator Roegner.

To amend sections 5163.01, 5166.01, and 5167.03, to enact sections 5166.38, 5166.381, 5166.382, 5166.383, and 5166.384, and to repeal sections 5166.37, 5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, and 5166.409 of the Revised Code and to repeal Section 333.280 of H.B. 49 of the 132nd General Assembly to establish a waiver component for the Medicaid expansion eligibility group and to abolish the Healthy Ohio Program.

S. B. No. 61 - Senator Burke.

Cosponsor: Senator Rulli.

To amend sections 4723.07, 4723.28, 4723.43, 4723.44, 4723.50, and 4729.01, to amend the version of section 4729.01 that is scheduled to take effect March 22, 2020, and to enact section 4723.484 of the Revised Code regarding the authority of certified registered nurse anesthetists to select, order, and administer certain drugs.

S. B. No. 62 - Senator Thomas.

Cosponsors: Senators Maharath, Williams, Sykes, Fedor, Yuko, Eklund, Antonio, Craig.

To amend sections 2923.13 and 2923.14 and to enact section 2923.133 of the Revised Code to prohibit certain conduct regarding trigger cranks, bump-fire devices, and other items that accelerate a semi-automatic firearm's rate of fire but do not convert it into an automatic firearm.

S. B. No. 63 - Senator Thomas.

Cosponsors: Senators Maharath, Yuko, Antonio, Craig.

To amend sections 2929.28 and 5122.311 and to enact section 2923.26 of the Revised Code to require a firearm transfer to be made through a dealer, through a law enforcement agency, or pursuant to a specified exception, and to require a background check when a firearm is transferred.

S. B. No. 64 - Senator Thomas.

Cosponsors: Senators Fedor, Yuko, Antonio, Craig.

To amend sections 2151.022, 2152.02, 2152.16, 2923.21, and 2923.211 of the Revised Code to raise the minimum age to purchase a firearm to age 21 and to increase the penalty for improperly furnishing firearms to an underage person.

S. B. No. 65 - Senator Thomas.

Cosponsors: Senators Maharath, Fedor, Yuko, Antonio, Craig.

To amend sections 2929.28 and 5122.311 and to enact section 2923.27 of the Revised Code to regulate the transfer of firearms at a gun show.

S. B. No. 66 - Senators Yuko, Eklund.

Cosponsors: Senators O'Brien, Thomas, Antonio, Wilson, Williams, Craig, Sykes, Hackett, Fedor.

To enact section 5534.407 of the Revised Code to designate a portion of State Route 2 in Lake County as the "Patrolman Mathew J. Mazany Memorial Highway."

S. B. No. 67 - Senator Williams.

Cosponsors: Senators Thomas, Fedor.

To amend sections 169.13 and 169.14 of the Revised Code regarding payment to a registered finder of unclaimed funds.

S. B. No. 68 - Senator Williams.

Cosponsors: Senators Antonio, Thomas, Sykes, Uecker, Huffman, M., Eklund.

To amend section 4510.10 of the Revised Code to allow a court to authorize completion of a community service program in lieu of payment of driver's license reinstatement fees when the court determines that an offender cannot reasonably pay the fees.

S. B. No. 69 - Senator Williams.

Cosponsors: Senators Antonio, Thomas, Fedor, Huffman, M., Yuko.

To amend sections 3333.122 and 3333.20 and to enact section 3333.167 of the Revised Code to qualify students in noncredit community college and career and technical programs for Ohio College Opportunity Grants and to require the awarding of academic credit for community colleges' career certification programs.

S. B. No. 70 - Senator Williams.

Cosponsors: Senators Thomas, Fedor, Yuko, Antonio.

To enact section 4113.13 of the Revised Code to prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

S. B. No. 71 - Senator Williams.

Cosponsors: Senators Thomas, Sykes, Maharath, Fedor, Yuko, Antonio.

To establish a committee to study the progress and challenges of African Americans in Ohio and to amend Section 297.10 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended, and to make an appropriation.

OFFERING OF RESOLUTIONS

Senator Antonio offered the following resolution:

S. R. No. 34-Senator Antonio.

Authorizing Cleveland State University to use the Ohio Senate Chambers on March 14, 2019.

WHEREAS, The members of the Senate of the 133rd General Assembly of Ohio are pleased to have learned that Cleveland State University has requested permission to use the Ohio Senate Chambers for its Columbus Seminar, March 14, 2019; and

WHEREAS, Cleveland State University's Columbus Seminar will provide students with the opportunity to better appreciate and understand government and its components by simulating a Senatorial session. Indeed, the knowledge gained through events such as this will be of great value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, Cleveland State University's Columbus Seminar will offer students an accurate depiction of government and the manner in which legislation is created and processed. This is a prime example of how various state bodies collaborate to help tomorrow's leaders shape a more promising future for themselves and their communities; and

WHEREAS, Through participation in Cleveland State University's Columbus Seminar, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and insight participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 133rd General Assembly of Ohio, in adopting this Resolution, permit Cleveland State University to use the Ohio Senate Chambers for its Columbus Seminar, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to Cleveland State University.

The question being, "Shall the resolution, **S. R. No. 34**, be adopted?"

So the resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Antonio moved to amend the title as follows:

Add the names: "Senators Burke, Coley, Craig, Dolan, Eklund, Gavarone, Hill, Hoagland, Huffman, M., Huffman, S., Lehner, Maharath, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Schuring, Thomas, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 35 - Senators Fedor, Kunze, Maharath, Hottinger, Roegner, Terhar, Wilson, Peterson, Hackett, Thomas, Craig, Williams, Antonio, Yuko, O'Brien, Sykes, Brenner.

Recognizing January 2019 as National Slavery and Human Trafficking Prevention Month

S. R. No. 36 - Senator Gavarone.

Honoring the Genoa High School wrestling team as the 2019 Division III Dual Team State Champion

S. R. No. 37 - Senators Thomas, Terhar.

In memory of Officer Dale Woods

S. R. No. 38 - Senator Coley.

Honoring James E. Hutchinson as the 2018 Ohio State Highway Patrol Trooper of the Year

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 10 (B)(3) of Am. Sub. Senate Bill 216, the President of the Senate appoints the following senator to serve on the Joint Committee to study and report recommendations for a funding system for internet and computer-based community schools:

Senator Lou Terhar (replacing former Senator Randy Gardner)

MESSAGE FROM THE PRESIDENT

Pursuant to Section 127.12 of the Ohio Revised Code, the President of the Senate appoints Senator Jay Hottinger to the Controlling Board as a temporary replacement for Senator Matt Dolan for the purpose of the board's meeting on Monday, February 25, 2019.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 121.31 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Ohio Commission on Hispanic and Latino Affairs:

Senator Nathan Manning
Senator Tina Maharath

MESSAGE FROM THE PRESIDENT

Pursuant to Section 113.56 (A)(3) of the Ohio Revised Code, the President of the Senate appoints the following senator to the ABLE Account Program Advisory Board:

Senator John Eklund

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4906.02(A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Power Siting Board:

Senator Steve Wilson
Senator Jay Hottinger, as alternate

Pursuant to Section 4906.02(A) of the Ohio Revised Code, the Minority Leader of the Senate appoints the following senator to serve as a non-voting member on the Power Siting Board:

Senator Sandra Williams

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5537.02(B)(1)(c) of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the Ohio Turnpike and Infrastructure Commission as a non-voting member:

Senator Rob McColley

On the motion of Senator Peterson, the Senate adjourned until Thursday, February 28, 2019 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.